

1900-005 Chancery Causes: Ellen W. Jesse to vs. Wheeler P. Parsons &  
Lee Co.

Russell, Wampler, Hobbs, Wade

Oversize Box 1:  
- 1 Plat

CA - Estate Dispute  
T - Property



To the Hon. W. T. Miller Judge of  
the Circuit Court of Lee County  
Virginia:

The Bill of Complaint  
of J. C. Jesse, Ellen M. Jesse his  
wife, Eva Russell, Beq. F. Wampler  
and Rebecca Wampler his wife  
and George W. Parsons who humbly  
complaining would respectfully  
represent that your complainant  
Ellen M. Jesse, Eva Russell, Rebecca  
Wampler and George W. Parsons are  
four of the six heirs at law of  
the late M. C. Parsons deceased.

He has two others, Wheeler P. Parsons  
and Bessie Parsons, both, small  
children under 21 years of age.

Before the said M. C. Parsons  
death, he having died intestate, he  
made certain conveyances of part  
of his real estate of which he  
was at one time the owner, to  
Ellen M. Jesse, Eva Russell, Rebecca  
Wampler and George W. Parsons, after  
which he intermarried with one  
Frances E. Hobby now Wade and had  
born by that marriage the two in-  
fants, Wheeler P. Parsons & Bessie  
Parsons, out of this marriage and  
there dead, there grew up litigation  
in reference to the said Frances E.'s



1 done, all of which has been  
2 settled and adjusted, and your Com-  
3 plainants except George W. Parson,  
4 has entered into a deed of settlement  
5 whereby they have agreed that the  
6 said M. C. Parson's real and per-  
7 sonal estate after the payment  
8 of debt & funeral expenses, shall  
9 and may be divided equally with  
10 the said two infants & themselves, the  
11 same as if no deed had ever  
12 been made or attempted to be made  
13 to the said Ellen M. Eva, Rebecca &  
14 George W. W. - That is that both  
15 real & personal estate be divided  
16 into 6 equal parts & each heir  
17 entitled to hold one.

18  
19 Eva Russell is the widow of the late  
20 H. J. Russell now deceased, who also  
21 died intestate leaving the following  
22 infant children his heirs at law  
23 viz: Bernice Russell, Kitty Russell  
24 Bernard Russell and Pearl S. Russell,

25  
26  
27 all of tender years.  
28 Before the death of H. J. Russell he  
29 purchased and paid for or caused to be  
30 paid, the entire interest of George W.  
31 Parson in said real estate & personal  
32 estate, except, the said George W. was to



1 Have a horse bridle or saddle, held to  
2 be due him, a copy of this Contract  
3 will in due time be filed herewith  
4 and is prayed to be considered as part  
5 hereof. But for this interest the said  
6 George W. need not have been a  
7 party hereto.

8 So that whatever real estate may  
9 be found due, the said George W.  
10 would go to said heirs of H. L.  
11 Russell deceased.

12 Each of said other  
13 heirs have received some small  
14 advancements, amount not exactly  
15 known. But Ellen M. Jesse has  
16 advanced to her in land the value  
17 of \$1350 or possibly \$1365, and for this  
18 she is willing that said other heirs  
19 be equalized in the real estate hereafter  
20 set out.

21 There will be no personal estate  
22 out of which equalization can be  
23 made, it will all be required  
24 probably to pay debt, but after  
25 the application of the personal estate  
26 and the proceeds of some small  
27 scraps or lots of land already de-  
28 creed to be sold by this Hon. Court  
29 there will be for partition a very  
30 valuable real estate situated in this  
31 County in what is known as Hickory  
32 flat, about 8 miles east from Jonesville



Whereof Jesse & wife, Wampler & wife  
and the said Eva, now have possession  
The lands are all adjacent tracts and  
is known as the Thero P. Carney & other  
Carney land, all fully shown by Copies  
of Conveyances to him which will  
if found necessary be hereafter filed  
therewith.

The property is valuable, and ought  
to be carefully looked after, and for  
this reason your Complainants seek  
now to have it partitioned, as it  
will not nor cannot affect the  
rights of Creditors.

Your Complainants have agreed  
to this equal partition with these  
infants because they deemed it  
right & proper and did not, if they  
could have done so successfully  
wish to cut them off. But it will  
be seen they could not agree &  
bind the infant heirs of H. J. Lus-  
sell who own one share, but they  
ask if it be proper, and they are  
advised that it is, that they Court make  
for them the same partition as  
agreed upon by the Complainants  
adults. There probably would  
result from this ~~dis~~agreement & opening  
a litigation between these Complainants  
and said infants, the costs of which



would have amounted to nearly as much as this partition, to say nothing of its uncertainty, and length, and to your Complaint, believed it prudent and saving upon their part, to make it, independent of their desire to do Justice towards these two younger children. Hence they feel a clear conscience in asking that these infant children of H. J. Russell be decreed by this Court to abide by & share said property as herein indicated partitioned

The object of this Bill therefore is to have partitioned the Hickory flat Home place, consisting of several contiguous, and adjoining or nearly adjoining tracts, into six equal parts, giving to the infant of the said H. J. Russell deceased one of them & to the other heirs one each of said shares, and should there be any other tracts, outside not necessary to be sold for debt, that they also be, partitioned in the same way or in the same portions. Should it become necessary, your Complaint will file Copies of the Contract made by them, and also a copy of dismissal of the said money suit showing that she has now no interest in said land.



1 The further object of this bill is to have  
2 an account of advancement and the  
3 equalization of the same, made in the  
4 partition of said real estate, so as to  
5 bring all up equal with Mrs Ellen W.  
6 Jesse.

7 To effect which they pray that  
8 Wheeler P. Parsons, Berrie Parsons, infant  
9 heirs of M. C. Parsons deceased, Bernice  
10 Russell, Kitty Russell, Bernard  
11 Russell, Paul D. Russell infant heirs  
12 of H. J. Russell deceased be made  
13 parties defendant to this Bill, that  
14 a guardian ad litem be appointed  
15 to answer & defend their rights,  
16 that an account of advancement  
17 be taken and the amount advance  
18 each one be ascertained, that they  
19 in said partition be equalized,  
20 that said land be partitioned into  
21 six equal parts, & one each as-  
22 signed each of said heirs, except  
23 George W. Parsons that his share be  
24 assigned the infant heirs of H. J.  
25 Russell deceased. And for all  
26 other further and general relief,  
27 May supra issue &c.

28 Pickensmore & Sewell.

29 P. Y.  
30  
31  
32



Ellen M. Jesse et al

Bill Chy

Wheeler P. Parsons et al

214  
163  
377



In the Circuit Court of the County of Lee Va. :

The answer of Wheeler P. Parsons, Bessie Parsons, infants of M. C. Parsons dec. Bernice Russell, Kitty Russell, Bernard Russell and Pearl D. Russell, infants of H. J. Russell dec. in the Chancery Cause of Ellen M. Jesse et al. vs. Wheeler P. Parsons et al.

infants under the age of twenty-one years, by M. G. Ely (a discreet and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer of the said M. G. Ely, guardian *ad litem* of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Ellen M. Jesse et al. vs. Wheeler P. Parsons et al. in the Circuit Court of the County of Lee

For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed with their costs, etc.

Wheeler P. Parsons.

Bessie Parsons.

Bernice Russell.

Kitty Russell.

Bernard Russell.

Pearl D. Russell.

By

M. G. Ely

Guardian *ad litem*.

M. G. Ely -

} Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,

County of Lee

} ss.

Sworn to before me in my office aforesaid by M. G. Ely guardian *ad litem* as aforesaid, this the 7th day of March A. D. 1899.

W. B. Blount, N. P.



Ellen M. Jones et als.

vs.

{ ANSWER OF INFANT DEFENDANTS BY  
THEIR GUARDIAN AD LITEM, AND  
ANSWER OF THE GUARDIAN AD  
LITEM FOR THE INFANTS.

Whelan P. Parsons et als.

Filed March 7th. 1899 -  
A. B. Munsey Clerk



Plffs Costs

Clerk 7.46  
 Tax 1.50  
 Shff 2.50  
 atty 115.00  
 Comr  
 G.A.L.  
 Conimus

J.P.S.

Ellen M. Jesse et al

vs In Chy.

Wheeler O. Parsons et al

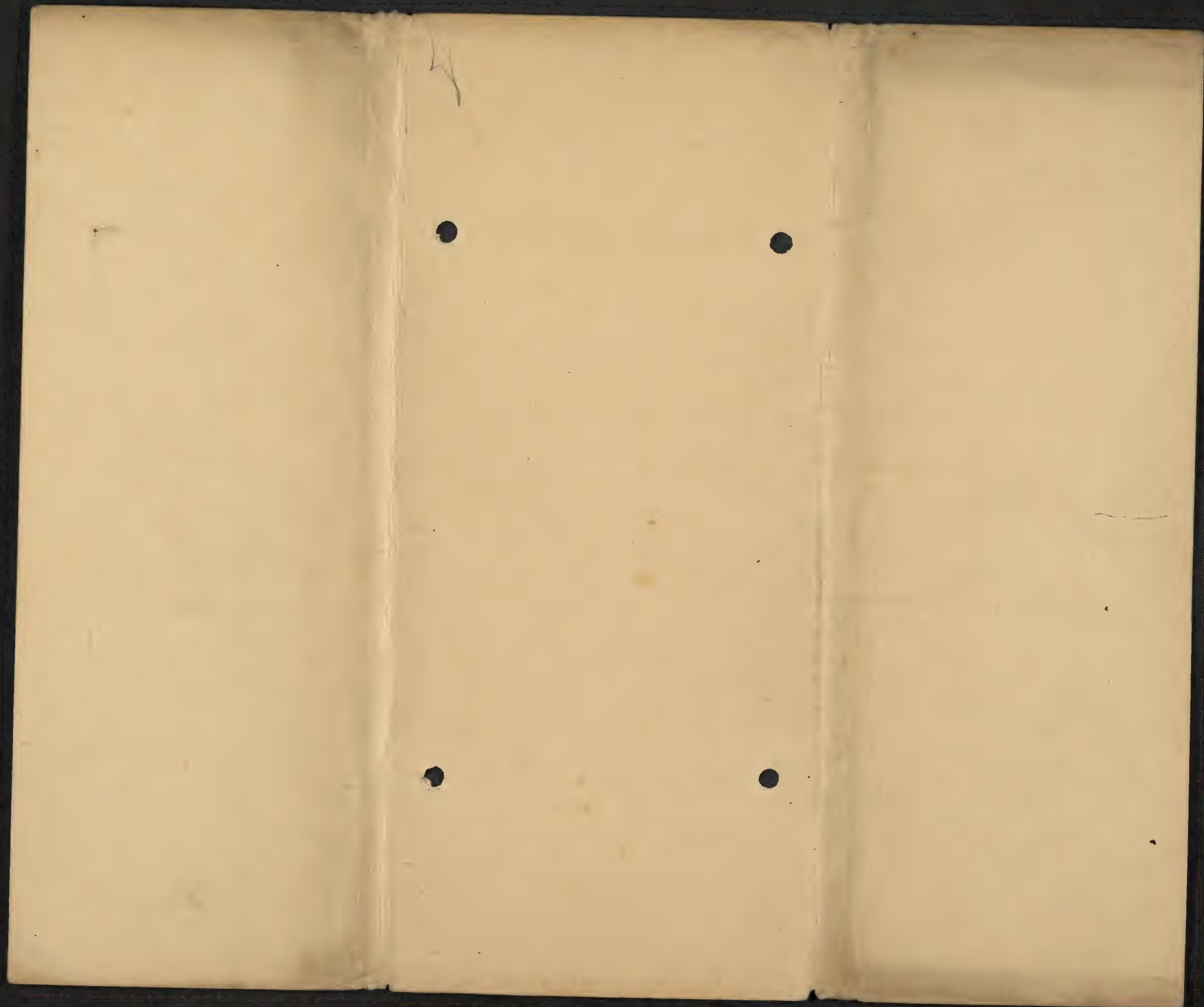
1900 March Term Decece  
 final see Chy Order Book  
 No 6 Page 364

Plffs Costs

Clerk 7.46  
 Tax 1.50  
 Shff 2.50  
 atty 15.00  
 Comr Woodward 6.00-  
 Comr Lammal, 30.00-  
 " Bishop 14.00-  
 " Filanary 14.00-  
 Chammam Filenor 4.00-  
 " Wampler 4.00  
 " Jesse 2.00  
 Guard ad litem 5.00  
 County Clerk 6.20  
 \$111.66

1900







Ellen M. Jessee et al  
against  
Wheeler P. Parson et al } In Chy.

This cause  
came on again this day to be  
heard upon the papers formerly  
read and the report of H. L. Wood-  
ward, Special Commissioner,  
filed Oct 26 1899, to which there are  
no exceptions; and was argued by  
Counsel.

On Consideration whereof  
and for reasons appearing to the  
Court said report is confirmed  
<sup>except so far as it is hereinafter modified and changed</sup>  
And it appearing from said  
report that Ellen M. Jessee has  
been advanced the sum of \$1865.<sup>55</sup>

That George W. Parsons has been  
advanced the sum of \$45.<sup>00</sup> and that  
his interest is now due the heirs  
at law of H. J. Russell deceased

That Rebecca Wampler has been  
advanced the sum of \$170.00; that  
Eva Russell has been advanced  
the sum of \$108.00; That Wheeler  
P. Parson has been advanced  
the sum of \$20.<sup>00</sup>

And that Berrie Parson has not  
received anything - And it ap-  
pears that equalization can be  
made out of the personalty, for the  
advancements except \$1500, part of



Ellen M. Jesse, advancement  
leaving her advancement of the  
personalty, less the \$1500 the sum of \$365.55  
J. C. Jesse administrator of M. C. Parsons  
decend will therefore pay her nothing  
on that account.

But he will pay out of any  
surplus in his hands after the  
payment of funeral expenses  
costs of administration and debt the  
following sum, to the following  
persons to equalize them with the  
said Ellen Jesse viz:

To ~~the~~ George W. Russell executor of H. J. Dwyer  
~~of the guardian of the infant Chal-~~  
~~dran of George W. Russell, on ac-~~  
count of George W. Parsons advancement  
the sum of (being \$365.55 less \$45.00) = \$320.55  
To Rebecca Wampler on account  
of her advancement (\$365.55 less \$170.00) = \$195.55  
To Eva Russell on account of  
advancement, being (\$365.55 less \$108.00) \$257.55  
To The guardian of of the infant  
Wheeler D. Parsons the sum of \$365.55  
To The guardian of Bessie Parson  
the sum of - - - - \$365.55

And these sums when thus paid  
shall constitute an equalization of said  
heirs except the \$1500, hereinafter provided  
for out of the real estate

And it appearing that the lands in the  
bill mentioned are susceptible of division  
and that there is ample for the payment  
of debts -



L. M. Leamichale, George W. <sup>of</sup> Bishop  
and E. S. Flannery — who are  
hereby appointed Commissioners  
for the purpose, will after first  
being duly sworn, to make fair  
and equal partition of the lands  
in the Bill mentioned, being the  
unsold lands of M. C. Parsons  
deceased, <sup>divide</sup> into six portions, <sup>the said lands</sup> and as-  
sign to each heir or set of heirs one  
lot <sup>thereof</sup> — they will assign to the plff  
Ellen M. Jessor any land she may be  
entitled to, adjoining her other land,  
if the same can be done without  
injury to the other parties. They  
will in like manner assign the  
two lots, one Wheeler P. and Bernice  
Parsons adjoining each other, and  
the lot due the infant heirs of  
H. J. Russell they will assign ad-  
jacent each other, or all together.

But in making this partition  
the said Commissioners will equalize  
all the parties by, laying off to  
each of them except Ellen M. Jessor  
\$1500.00 Dollars in value of said land  
with each share viz: To the heirs of  
H. J. Russell deceased, that is, Bernice  
Russell, Kitty Russell, Bernard Russell and D. Russell  
\$1500 worth of land on account of H. J.  
Parsons Russell's purchase from Geo. W.  
Parsons —



To Eva Russell \$1500 worth of  
 land, and then and the other land  
 due her they will lay off adja-  
 cent the lot assigned the heirs of  
 H. J. Russell if the same can be  
 done without prejudice to the others  
 and on the George W. Parsons lot they will assign to Eva Russell  
 to Rebecca Wampler they will lay  
 off & assign \$1500 worth of land  
 and to Wheeler P. & Bernie Parson,  
 each \$1500 worth of land, and then  
 two shares they will assign ad-  
 jacent to each other if the same  
 can be done without prejudice to  
 the others. After allotting these several  
 parcels of \$1500 each in value the  
 residue of the land will be di-  
 vided among all the parties equally  
 including Allen M. Jesse; and they  
 will so far, as practical lay off  
 each share in compact ~~form~~ and  
 convenient form, and in all things  
 have due regard to quantity  
 quality, water <sup>timber</sup> buildings and ways  
 They will, make a plat and  
 report of their partition, showing  
 the lots and to whom assigned and  
 file the same at the next term of  
 this Court And the cause continued.



Ellen M. Jefsee et al }  
vs } In Chy  
Wheeler P. Parson et al }

Pursuant to an order of the Circuit Court of Lee Co Va, dated Nov 10<sup>th</sup> 1899, We the undersigned Commissioners L. M. Carmichael W. G. Bishop and E. S. Flannery, after being duly sworn, have partitioned the lands in the Bill mentioned in the above Cause according to the following plat and report.

We find by actual survey, the unsold lands of M. C. Parson deceased to be composed of one body, or tracts of adjoining, containing by actual survey about 602 acres, Out of which we have laid off and assigned to Eva Russell, by her own right as one of the children of said M. C. Parson, Lot No 1, which we regard equal in value to \$1500 plus the additional value of lot (6) assigned to Ellen M Jefsee, Said lot No 1 is bounded as follows to wit: Beginning at (A<sup>1</sup>) a natural set rock on the south side of road and pond, thence N 54° W 8½ poles to (A<sup>2</sup>) a stake in public road, thence with said road S 33° W 34 poles to (A<sup>3</sup>) a stake corner to Lot No 2 and with line of same N 31° W 122 poles to A<sup>4</sup> Powells river, thence with the same as it meanders. S 72½° E 56 poles S 60° E 40 P. East 43¾ po. N 70° E



6 po N 50 E 9 po N 9 1/2 E 19 po. N 15 W 22 po. N 29 W 32 3/4 po N 3 E  
31 poles to (A<sup>5</sup>) a stake, thence leaving river and with  
the Cecil lot S 85 E 17 3/4 po N 5 E 12 1/2 po S 85 3/4 E 68 3/4 po  
S 46 1/2 E 72 1/2 po to (A<sup>6</sup>) a stake in public road - these last  
two preceding lines being also with a public road -  
thence with said last named road S 60 W 26 1/2 poles  
S 48 1/2 W 44 3/4 po S 41 W 14 po S 64 1/2 W 33 po N 78 W 15 7/2 po S 82 1/2 W  
24 1/3 po N 68 E 48 po to (A<sup>7</sup>) a stake we located as corner  
to the barn lot, thence leaving road S 34 1/2 E 9 3/4 po  
S 48 1/4 W 14 1/3 <sup>the beginning</sup> poles. (Containing 103 acres be the same  
more or less. There is excepted from this foregoing  
certain houses hereafter named, and it is also encumbered  
by a right of way along the present path to the large spring for  
the use of water, for household purposes only, to each of the  
remaining lots of Partition.

We have <sup>laid</sup> off and assigned to the heirs of H. J. Russell  
deceased, that is Bernice Russell, Kitty Russell, Bernard  
Russell and Pearl D. Russell, on account of H. J. Russell's  
purchase from Geo. W. Parson, Lot No 2, which we regard  
equal in value to \$1500 plus the value of the lands assigned  
Ellen M. Jeffers. Said Lot No 2 is bounded as fol-  
lows: Beginning at (B) a stake in public road, and



opposite or at the mouth of a lane, another public road,  
thence with the first named road  $N 67\frac{1}{2}^{\circ} E 55\frac{3}{4}$  poles  
to  $B^2$  a stake  $N 50\frac{1}{4}^{\circ} E 30\frac{1}{4}$  poles  $N 33^{\circ} E 2$  poles to  $A^3$  a stake corner  
to lot No 1 Thence with line of same  $N 31^{\circ} W 122$  poles to  $A^4$   
Powells river and with the various meanderings of the same  
 $N 72\frac{3}{4}^{\circ} W 4$  poles  $N 43\frac{1}{4}^{\circ} W 26$  po  $N 33^{\circ} W 35\frac{1}{4}$  po  $N 29\frac{3}{4}^{\circ} W 15\frac{3}{4}$  po  $N 35\frac{1}{4}^{\circ} W 22$   
po  $N 38\frac{1}{4}^{\circ} W 8$  po  $N 46\frac{1}{2}^{\circ} W 16$  po.  $N 70\frac{1}{4}^{\circ} W 10$  po  $S 82\frac{1}{2}^{\circ} W 7$  po  $S 44\frac{3}{4}^{\circ} W 12\frac{3}{4}$  po  $S 10\frac{1}{2}^{\circ}$   
 $W 30\frac{3}{4}$  po  $S 74^{\circ} E 16\frac{1}{2}$  po  $S 33\frac{3}{4}^{\circ} E 17\frac{3}{4}$  po  $S 33\frac{1}{4}^{\circ} W 19\frac{1}{2}$  poles to  $B^3$  a stake Thence  
leaving river and with the original West lines  $S 50^{\circ} E$   
 $33\frac{1}{5}$  po  $S 37\frac{1}{2}^{\circ} E 18\frac{1}{2}$  po to  $B^4$  a hickory & walnut stump  $S 58^{\circ} E$   
 $13\frac{1}{3}$  po to a bunch of Elms  $S 49\frac{3}{4}^{\circ} E 62$  po to a stake  $S 60^{\circ} W 38\frac{3}{4}$   
po to  $B^5$  a stake  $S 29\frac{1}{4}^{\circ} E 68\frac{3}{4}$  po to the beginning  
Containing 106 acres More or less.

We have laid off and assigned to Wheeler P. Parsons  
Lots No 3 and 7 which we believe when taken together  
or equal in value to \$1500 plus the additional value of lands  
assigned to Ellen M. Gejee - Said Lot No 3 is bounded as  
follows to wit: Beginning at (C') a stake in public  
cross road and corner to lot No 4 thence with line of  
same  $N 62\frac{1}{2}^{\circ} E 346$  po to (C<sup>2</sup>) a stake (in East original line)  
and red oak pointer, thence with said line  $N 29\frac{3}{4}^{\circ} W$   
 $21\frac{1}{4}$  poles to C<sup>3</sup> a stake corner to Wils land and with same



S 62 1/2 W 13 1/2 poles N 28 W 5 poles, less 2 feet N 50 3/4 W 26 3/4 poles to C  
a stake in public road thence with some & lines of Lot  
1 S 60 W 23 poles S 48 1/2 W 44 3/4 poles S 41 W 14 poles S 64 1/2 W 33 poles N 78 W 15 poles S 82 1/2  
W 24 1/3 poles N 68 E 48 poles thence leaving road but continuing  
with lines of Lot 1 S 34 1/2 E 9 3/4 poles S 48 1/4 W 14 1/3 poles to a rock  
N 54 W 8 1/2 poles crossing a pond to a stake in public road  
and with the some & lines of Lot 1 & 2 S 33 W 36 poles S 50 1/4 W  
30 1/4 poles S 67 1/2 W 55 3/4 poles to B' a stake at junction of road  
thence with the cross road S 29 1/4 E 34 1/4 poles to the  
beginning Containing 90 acres More or less

There is excepted from this assignment only the houses  
to be hereafter named.

Lot No 7 is bounded by the following metes & Calls.  
Beginning at E<sup>2</sup> a stake on the original East line  
Corner to Lot No 5 and with line of same S 75 W 47 poles  
to F<sup>2</sup> a stake thence South 60 poles to F<sup>3</sup> a stake in an old  
road (known as the wampler right of way) thence with some  
S 81 E 11 poles to a mud puddle known as a hog wallow  
N 81 E 4 poles to F<sup>4</sup> East original line & with the some N 42  
W 15 poles to original corner thence continuing with original  
line N 31 E 75 poles to the beginning Containing  
9 acres More or less.



We have laid off and assigned to Bessie Parsons  
Lot No 4 which we consider equal in value  
to \$1500. plus the additional value of land assigned  
to Ellen M. Jysee. Said Lot No 4 is bounded as  
follows: to wit, Beginning at D' the North west cor-  
ner of Lot 5; a stake thence with cross road  
N 29° 4' W 38½ poles to C' a stake thence N 62½° E 346  
poles to C' a stake, in the east original line, and with  
a red oak pointer thence with said line S 29¾° E 31¼ po  
to a red bud & cedar near a sink-hole, thence  
continuing with said original line S 5¾° W 41½ poles to D<sup>2</sup>  
a stake Corner to Lot No 5 and with lines of some  
S 67° W to a point which bears from Cedar spring S 28  
E 14 feet thence with said line N 28 E 14 feet to a stake  
in middle of said spring thence with the branch  
S 75° W 6 poles thence leaving branch S 28 E to the exten-  
sion of said S 67 E line and with the same to the  
beginning. Containing 110 acres More or less.  
To have right of haul way along Monpols present road to  
public road. To have the right to move, old log barn, old  
black-smith shop, and the South east tenant house, all of which  
now stand on Lot 3, & 1.



We have laid off and assigned to Rebecca Wampler  
Lot No 5 which we consider equal in value to \$1500.  
plus the additional value of land assigned to Ellen  
M. Geiser. The metes and bounds of said Lot No 5 are  
the following Beginning at E<sup>1</sup> a stake near a cherry Tree  
Corner to Lot No 6 thence with public road N 29 $\frac{1}{4}$ W 42 poles &  
15 feet to (D) a stake thence N 67 E to a point, which bears  
from the Cedar spring 614 feet, thence N 28 W 14 feet to a stake  
in the middle of said spring thence with the branch thereof  
S 75 W 6 poles thence leaving branch S 28 E to said line N 67 E,  
thence with the same N 67 E to D<sup>2</sup> a stake in the original East  
line and with the same S 5 $\frac{3}{4}$ W 29 $\frac{3}{4}$  poles to a cedar and ash S 87 $\frac{1}{4}$ W  
17 $\frac{1}{2}$  poles to a large spotted oak S 16 $\frac{1}{2}$  E 62 poles to two cedar ~~stump~~  
stumps S 31 W 10 poles ( ) to E<sup>2</sup> a stake Corner to Lot 7 &  
with line of same & Lot No 6 S 75 W 139 poles to E<sup>3</sup> a stake at a  
fence thence continuing with lines of Lot 6 N 5 E 5 $\frac{1}{10}$  poles  
to (E<sup>4</sup>) a stake S 75 W 143 $\frac{1}{2}$  poles to the beginning Con-  
taining 125 acres More or less. With privilege of moving  
store house and half of Crile situated on north of road  
on Lot 7, And a right to use the present Wampler road  
to public road. The wire fence on this lot running nearly  
parallel with partition line of lot 5 & 4 to be moved upon  
said line and held in partnership.



We have laid off and assigned to Ellen M. Gesser Lot N° 6, which we regard equal in value to either of the other shares left \$15.00, and which is bounded as follows to wit: Beginning at (F') a rock in public cross road, original south west corner of lands partitioned, thence with said road N 29° 4' W 22 3/4 poles to E' a stake near a cherry tree, thence bearing round N 75° 6' E 43 1/2 poles to E" a stake in a fence thence with fence S 5° W 5 1/2 poles to E<sup>3</sup> a stake thence N 75° E 92 poles to F<sup>2</sup> <sup>a stake</sup> thence <sup>with line of Lot 7</sup> South 60 poles to a stake in the Wampler road and with the same S 81° E 11 poles to a puddle or "hog wallow" N 81° E 4 poles to F<sup>4</sup> a stake on original east line and with same S 42° E 23 poles to F<sup>5</sup> a stake in Larner's fence thence with same or original line S 67° 2' W 63 poles to a hickory and black-oak at a "hog wallow" thence with Gesser's lines N 63° E 56 poles to a white oak & hickory on the north side of road thence continuing with said Gesser's line S 81° 3/4 W 198 poles to F' the beginning containing 60 acres more or less.

Lot N° 2 is encumbered with a dower interest of Martha B. Carrus worth to her annually \$33 1/3, and in making this assignment we do so with the express understanding that one sixth of this amount shall be paid to said Martha B. Carrus by annually, by the owner of each individual share, and a lien is hereby retained upon each share to enforce such payment, as demanded in agreement herewith.



filed which we make a part of our report.

We have laid off and assigned to Eva Russell her dower interest in said Lot no 2 and which we regard equal in rental value to one third thereof, bounded as follows Beginning at (A<sup>4</sup>) a stake in Powells river corner to Lot 1 and with line thereof S 81 E 122 poles to (A<sup>3</sup>) a stake in middle of public road and with the same S 33 W 2 poles S 50<sup>1</sup>/<sub>4</sub> W 27<sup>1</sup>/<sub>4</sub> poles thence leaving said road N 29<sup>3</sup>/<sub>4</sub> W 76 poles N 31 W 193 poles to river and with the same to the beginning containing 36<sup>3</sup>/<sub>4</sub> acres more or less In making these assignments we have had due regard to quantity, quality, water ways wood &c Respet Submitted Dec 1899

L. M. Carmichael  
W. G. Bishop  
E. S. Flannery } Comm.

Bill of Cost  
L. M. Carmichael surveyor \$ 30 00  
W. G. Bishop 7 day com 14 00  
E. S. Flannery 7 " " 14 00  
John Fleener chainman 4 00  
Ben Wampler " 4 00  
Jack Giffen 2 00  
\$ 68 00



Know all men by these pres-  
ents that we the undersigned  
as heirs of M.C. Parsons decd.  
make the following agreement  
with one another.

Witnesseth that whereas ~~said~~  
the lands of said M.C. Parsons  
are now being partitioned a-  
mong those entitled; and whereas  
it appears that Martha B.  
Carnes has dower on about  
twenty-four of his land, but  
that the same in the life-  
time of said M.C. Parsons  
was delivered to him, he in  
consideration of such delivery  
& possession agreeing to pay  
to said Martha B. Carnes  
annually during her life  
the sum of thirty-three &  
33/100 dollars on or by Nov.  
1st in each year. Now that  
the partition of said M.C. Par-  
sons land may be done without  
reference to said dower rights,  
we each promise and bind  
ourselves to pay annually or on



by Nov. 1<sup>st</sup> during the life of  
said Martha B. Carnes One-  
sixth of said \$33.33 $\frac{1}{3}$ . which  
sum we agree shall be a  
lien upon our respective  
shares that may be assigned  
us by the Commissioners mak-  
ing said partition. And we  
hereby direct said Commissioners  
to note this agreement in their  
report and charge each per-  
son's share with one-sixth  
of said \$33.33 $\frac{1}{3}$ . payable as a-  
foresaid to said Martha B. Carnes.  
Witness our hands & seals this  
the 28<sup>th</sup> day of December, 1899.

M. E. Russell & my children seal

Rebecca Wampler. seal

Ellen Jesse. seal

H. C. Wade Guardian for seal

Walter P. & Berne A. Parsons. seal



Agreement  
Return

M. C. Parsons  
has

Filed Feb 19<sup>th</sup> 1900  
A. B. Munsey Clerk



Ellen M. Jesse et al Plff  
against  
Wheeler P. Parson et al Defs } In Chy

This cause came on this day to be again heard upon the papers formerly read herein and the report and plat of Commissioners L. M. Carnical W. G. Bishop and E. S. Flannery filed Feb'y 19<sup>th</sup> 1900 to which there are no exceptions and was argued by counsel. On consideration whereof, it is adjudged ordered and decreed that said report and accompanying plat be and the are hereby confirmed, and the parties therein will take and hold as and for their separate shares <sup>subject to the rights & exceptions therein</sup> the tracts & bounds & in the manner as allotted them respectively in said report & plat.

And the clerk of this court is directed to deliver to the clerk of the county court of this county the files of papers in this cause who will record in the book kept for the recordation of deeds, the decree dated Nov 10<sup>th</sup> 1899 being the decree appointing said Commissioners. The said plat & report of said Commissioners filed as aforesaid Feb'y 19<sup>th</sup> 1900 together



with this decree and ~~in~~  
in any the same as ~~the~~ are  
Deeds.

And it is further adjudged,  
ordered and decreed that the parties  
hereto, <sup>or their representatives</sup> pay the cost of this suit  
and recordation and in the  
proportion to the interest they  
hold in said land, <sup>being a 1/6 each,</sup> for which  
execution may issue.

And this cause is stricken  
from the docket.

Enter in Jones chd.

no } Decree final.

Whelan P. Parsons chd.

Entered in Chij Order

Book No 6 Page 364

Recorded in Deed

Book No 36 p. 42

Enter this

H. C. A. D. H.

March 13 1900

Virginia, Lee County, to wit:

In the Office of the clerk of the  
County Court for said county, the 26<sup>th</sup>  
day of March, 1900. The foregoing de-  
crees, plat, report and agreement  
were presented and admitted to  
record.

Teste: B. M. Morgan Clerk







will give the parties due & timely  
notice of the times & place of his  
sitting; and report his action to  
this Court at its next term.

Ellen M. Jesse  
Jafed

13 Decree.

Wheeler P. Parsons  
Jafed

March 7. 1899

Entered C.O.B. 6 p. 25374

Enter this  
March 2. 1899  
W. J. M.



At a circuit court for Lee County  
continued and held on the 8th day of  
March in the year 1899 at the court house  
of said county:

Ellen M. Jesse et al. Complainants,  
vs } In bancery.  
Wheeler P. Parsons et al., Defendants.

Extract from Decree.

For reasons appearing to the court, an  
account of advancements appearing nec-  
essary before directing a partition  
of the real estate, it is therefore ad-  
judged, ordered and decreed that  
H. L. Woodward, who is hereby  
appointed a special commissioner  
for the purpose, do ascertain  
and report to this court what  
advancements if any have been  
made, how much, and to whom,  
and whether or not the same  
can be equalized out of the  
personal estate and if not wheth-  
er the same can be done by a  
partition of the real estate.

He will give the parties due  
and timely notice of the time  
and place of his sitting."

At test: A. B. Munsey clerk.



Commissioners Notice

The parties interested in the foregoing extract from the decree rendered in the said styled cause, will take notice, that, on the 2<sup>d</sup> the day of April, 1899, at my law office in the town of Jonesville, Va. I shall proceed to execute the same, when and where they are required to attend with such books, papers, and evidence as will enable me to comply with the order of the court.

April 7<sup>th</sup>, 1899.

L. Woodward,

Special Commissioner.

We hereby accept advice of the above notice this April 10, 1899.

B. P. Wampler

R. I. Wampler

G. W. Parsons.

M. G. Ealy, H. A. L. for the infants

J. C. Jessor

Ellen Jessor for J. C. J.

Eva Russell.

Exhibit No. 1



Ellen Gossel, et al.  
vs. Comrs of Natice.  
Wheeler & Parsons,  
et al.

Exhibit No. 1.



Virginia,

Circuit Court for the County;  
To the honorable W. H. M. Skene, Judge  
of the said Court.

By decree of your honorable  
Court rendered and pronounced on the  
8<sup>th</sup> day of March 1899 in the Chancery  
cause therein pending entitled:

Ellen M. West et al. Plfs.

vs. Chancery

Wheeler P. Parsons et al. Defs.

the undersigned was appointed a  
special commissioner and directed,

First, To ascertain what advance-  
ments, if any have been made, how  
much, and to whom of the heirs of  
M. P. Parsons, deceased.

Second, To ascertain whether the  
advancements made can be equalized out  
of the personal estate, and if not whether  
same can be done by partition of the  
real estate.

Before acting upon your commission  
was required to give the parties inter-  
ested at least five days notice of the  
time and place of his sitting.

Your Commissioner (Legs. leave)



to report as follows:

First, that he gave the required notice by securing the acceptance of same by, B. P. Wampler and R. E. Wampler his wife, by L. M. Parsons, by M. L. Ely, Guardian ad Litem for the infant defendants - Wheeler Parsons and Bessie Parsons, by J. L. Jossee and Ellen Jossee his wife and by Eva Russell, all of which fully appears by reference to said notice with the acceptances thereon which is hereto attached as part hereof marked "Exhibit No. 1."

Second that he convened the parties to gether and enquired of each and every one, having them to testify under oath, what advancements each received of M. C. Parsons, deceased. Other evidence was also given before him in regard to same.

A list of the advancements made are hereto attached as part hereof marked "Exhibit No. 2."

Third, that he ascertained as near as possible the indebtedness of the estate of M. C. Parsons, and also the funds and assets personal for the payment of same, and from the best evidence which



he could get in regard to same your  
commissioner is of the opinion that there  
will be enough surplus of the personal fund  
after paying the debts to equalize the ad-  
vancement made to each of the heirs, except  
that made to Ellen M. and J. C. Jasee her husband  
having paid Ellen M. Jasee about \$1500. or more  
than each of the other heirs <sup>had received</sup>. This can be equal-  
ized by a partition of the real estate in the  
following manner, to wit: by assigning to  
each of the other heirs each one sixth (1/6)  
of the real estate <sup>in value</sup> plus \$250. in value, as there  
are six heirs in all, and assigning to said  
Ellen M. Jasee the remainder, which would  
be one sixth (1/6) of the real estate less  
\$1250.00 in value.

Perhaps it would be competent here to  
state that Isaac M. Parsons sold his en-  
tire interest in the estate of M. C. Parsons  
both real and personal, and deed for same  
is recorded in the clerk's office of the county  
court for Lee County in deed book 32, page  
365 conveying same to W. J. Russell.

Respectfully submitted,

H. L. Woodward,

Commissioner of the Special Commissioner

Eight hours at 75¢ per hour. \$6.00



A List of Advancements  
made to each of the heirs of M. C. Parsons,  
deceased.

J. C. Jesse & wife  
Amount paid on land for J. C. Jesse  
by M. C. Parsons \$1682.55  
One horse value \$130.00  
One cow value \$25.00  
One cow value, \$28.00  
one bed value \$28.00  
Total \$1865.55

L. M. Parsons  
One bed value \$20.00  
cash \$25.00  
Total \$45.00

Rebecca Wampler  
One piano, value \$150.00  
One bed, value \$20.00  
Total \$170.00

Eva Russell.  
One cow, value \$20.00  
One cow, value \$18.00  
One horse value \$50.00  
One bed value \$20.00  
Total \$108.00



Wheeler P. Parsons  
One bed value \$20.00

Bessie Parsons  
Received nothing

Exhibit No. 2.



Ellen M. Josselyn & et.  
vs { In Chancery  
Wheeler P. Parsons et al  
Report of H. L. Woodward  
Special Commissioner,  
Filed Oct. 26<sup>th</sup> 1899.  
A. B. Munsey Clerk

Court \$6.00



